

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action No. 3:17-cv-0011

LONNIE BILLARD,

Plaintiff,

v.

**CHARLOTTE CATHOLIC HIGH
SCHOOL, MECKLENBURG AREA
CATHOLIC SCHOOLS, and ROMAN
CATHOLIC DIOCESE OF CHARLOTTE,**

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Exhibit 5
Deposition of W. Kurt Telford

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 3:17-cv-0011

LONNIE BILLARD,)
)
Plaintiff,)
)
vs.)
)
CHARLOTTE CATHOLIC HIGH SCHOOL,)
MECKLENBURG AREA CATHOLIC)
SCHOOLS, and ROMAN CATHOLIC)
DIOCESE OF CHARLOTTE,)
)
Defendants.)
_____)

Tuesday, August 15, 2017
Charlotte, North Carolina

Deposition of W. KURT TELFORD, a witness herein,
called for examination by counsel for Plaintiff in the
above-entitled matter, pursuant to notice, before
Dayna H. Lowe, Court Reporter and Notary Public in and
for the State of North Carolina, at McGuireWoods, LLP,
201 North Tryon Street, Suite 3000, Charlotte, North
Carolina, commencing at the hour of 9:00 a.m.

1 APPEARANCES:

2
3 On behalf of the Plaintiff:

4 JOSHUA A. BLOCK, ESQUIRE
American Civil Liberties Union Foundation
5 125 Broad Street, 18th Floor
New York, New York 10004

6
7 On behalf of the Defendants:

8 JOHN G. McDONALD, ESQUIRE
JOSHUA D. DAVEY, ESQUIRE
9 McGuireWoods, LLP
201 North Tryon Street, Suite 3000
10 Charlotte, North Carolina 28202

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C O N T E N T S

Examination by Mr. Block:

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(No exhibits were identified.)

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P R O C E E D I N G S

Whereupon,

W. KURT TELFORD

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BLOCK:

Q. Good morning, Mr. Telford.

A. Good morning.

Q. My name is Josh Block. I'm representing Mr. Billard, and I'll be taking the deposition. I just want to go over a few ground rules to make sure that the court transcript is clear.

The first is that since the court reporter is writing down everything we say, it's important to give answers verbally, like a yes or a no instead of a nod or a uh-huh, just so she has a good transcript.

The second is it's very easy to talk over each other, but it's important to make sure to wait until I finish the whole question before answering just so she can write down what I say and what you say.

A. Okay.

Q. And then the third is I want to make sure that if anything I say is unclear that you ask me to clarify. It's my job to ask you questions that you understand and

1 can answer, so if there's any ambiguity or if you don't
2 understand anything, please let me know and I'll
3 rephrase it. Is that okay?

4 A. Yes, sir.

5 Q. Okay. Have you ever had a deposition before?

6 A. I don't know if it was a deposition, but
7 20 years ago it was an unemployment benefits hearing, so
8 it might have been with labor relations.

9 Q. All right.

10 A. I'm not really sure, it was so long ago.

11 Q. Well, if you have a one-every-20-years ratio,
12 that's good. So I just have a few questions. Can you
13 say what your name is?

14 A. Yes. It's Walter Kurt Telford.

15 Q. And what is your position at CCHS?

16 A. Principal at Charlotte Catholic.

17 Q. And how long have you had that position?

18 A. Since July of 2014.

19 Q. And what was your position before then?

20 A. I was the principal at Our Lady of Grace in
21 Greensboro.

22 Q. And was there a time at Charlotte Catholic
23 where you were serving in an interim or acting capacity?

24 A. I was. I was the interim from July until
25 December of 2014.

1 Q. When is the first time you met Lonnie Billard?

2 A. I don't recall the exact date. I met him in
3 the fall but passing through. He was a substitute
4 teacher.

5 Q. Did you know him before you arrived at
6 Charlotte Catholic?

7 A. No, I did not.

8 Q. And so by the time you met him, he had already
9 retired as a full-time teacher, is that right?

10 A. Yes, sir.

11 Q. Do you recall any conversations you had with
12 him while passing in the hall?

13 A. I don't recall any conversations.

14 Q. Do you recall any conversations you've had
15 with other people pre-dating September 2014 in which
16 Mr. Billard came up?

17 A. No.

18 Q. Were you aware before September 2014 that
19 Mr. Billard is gay?

20 A. No, I was not aware.

21 Q. Before September 2014, had you ever met
22 Mr. Donham?

23 A. No, I had not. Had not.

24 Q. When is the first time that you learned that
25 Mr. Billard is gay?

1 A. December, the week that we were getting out
2 for Christmas break. First time.

3 Q. And how did you learn?

4 A. Father Kauth came to me, and he's the
5 chaplain, and told me Mr. Billard had posted that he
6 was -- on Facebook that he was getting married to his
7 partner.

8 Q. And you said this is the week before Christmas
9 break?

10 A. The week we were going to get out for
11 Christmas break. Mr. Billard was subbing for somebody,
12 I'm not sure who, but for that week.

13 Q. He was subbing for someone that week that you
14 found out? He was subbing?

15 A. Yes.

16 Q. Now, before Father Kauth told you, had
17 Mr. Carpenter spoken to you about Mr. Billard at all?

18 A. Not that I'm aware of.

19 Q. Had you heard any -- before Father Kauth spoke
20 to you, had you overheard anyone talking about
21 Mr. Billard being engaged?

22 A. No.

23 Q. So when Father Kauth spoke to you, what
24 exactly did he say?

25 A. He said that Mr. Billard had posted on

1 Facebook that he was going to marry his partner, and I
2 think he was telling me because as principal I have to
3 make decisions as far as employment, things of that
4 nature, and make recommendations.

5 Q. Did Father Kauth indicate what decision you
6 should make based on that information?

7 A. I wouldn't say he indicated or asked, but
8 Lonnie posting goes against the tenets of the church,
9 and you can't oppose the tenets of the church, so I
10 thought we wouldn't be calling Lonnie anymore.

11 Q. Did you feel that you had discretion to have
12 Lonnie continue as a substitute if that's what you
13 wanted to do?

14 A. I don't think I had discretion in that. I did
15 call my boss, the superintendent, and I think she talked
16 to HR just to make sure that I was making the right
17 decision not calling him.

18 Q. So what did you -- when did you call the
19 superintendent?

20 A. That day.

21 Q. And the superintendent is Janice Ritter?

22 A. Yes.

23 Q. And what did you tell her?

24 A. I said Lonnie has -- Lonnie Billard -- well, I
25 think she knew who he was -- has posted that he's

1 marrying his partner, and I'm not going to call Lonnie
2 anymore. She said -- as I recall it was -- she called
3 personnel, and I didn't hear any more because, again, I
4 don't think she saw it as I was making the wrong
5 decision.

6 Q. And your understanding is she called personnel
7 because why? Why do you have that understanding?

8 A. Well, any time you're going to not use someone
9 as a sub, they could call HR, and it's almost a
10 heads-up.

11 Q. So your understanding is she was notifying
12 them of a decision that had already been made not to
13 continue calling Mr. Billard, is that correct?

14 MR. DAVEY: Objection.

15 A. I'd be speculating, but possibly.

16 BY MR. BLOCK:

17 Q. And just to be clear, did she tell you she was
18 about to call HR?

19 A. No. No.

20 Q. When you informed the superintendent, did she
21 express any surprise that Mr. Billard was gay or was
22 getting engaged?

23 A. I can't recall.

24 Q. You said that she knew who Lonnie was. How do
25 you know that?

1 A. Her kids went to Charlotte Catholic. He was I
2 believe a drama teacher, and Janice as -- Dr. Ritter, as
3 superintendent and as assistant superintendent, I
4 believe went to a lot of the plays. She has since I've
5 been at Catholic.

6 Q. At any time in talking with Dr. Ritter has
7 she -- has she -- let me start at the beginning.

8 At any time subsequent to this conversation
9 have you spoke with Dr. Ritter about Lonnie?

10 A. I've talked to her about, for example, doing a
11 deposition, and that's how I know she spoke to HR. I
12 found that out a few years later.

13 Q. A few years later?

14 A. Yeah.

15 Q. So I'm not -- I don't want you to tell me any
16 information that involves attorney-client privilege at
17 all, but to the best of your recollection how many times
18 do you think you've spoken with Dr. Ritter about
19 Mr. Billard since December 2014?

20 A. How many times has it been in the newspaper or
21 on TV? That's usually the conversation, because it's
22 not something we want to be in the newspaper for. It's
23 just not positive publicity for the school, so if it's
24 been in the newspaper or on TV generally.

25 And I talk to her three, four times a week,

1 sometimes three times a day, so some of the phone calls
2 were a check-in, how is it at Charlotte Catholic, or I
3 would say well, you saw today's paper or you saw
4 something on the news, so any time it was in the
5 newspaper is probably when I talked to her.

6 Q. Why isn't it positive publicity?

7 A. Well, I think the way it was presented, that
8 he was fired, and I didn't think we fired him.

9 Q. How would you characterize it?

10 A. He was a substitute teacher. We chose not to
11 use him.

12 Q. So besides that distinction between choosing
13 not to use him as a substitute and firing him, is there
14 any other aspect of the news stories that you perceive
15 to not be positive publicity?

16 A. Well, again, probably not, other than the
17 firing.

18 Q. So do you -- do you think that the fact that
19 Charlotte Catholic will not use substitute teachers who
20 are marrying someone of the same sex is a fact that is
21 going to generate positive publicity or negative
22 publicity or any other type of -- I don't want to -- let
23 me rephrase that question.

24 What type of publicity do you think would be
25 generated by the fact that Charlotte Catholic will not

1 use substitute teachers who have married someone of the
2 same sex?

3 A. I'm not sure.

4 Q. So in any of these subsequent conversations
5 with the superintendent, did she discuss her knowledge
6 of Mr. Billard's sexual orientation?

7 A. No, she did not.

8 Q. Did she ever indicate meeting Mr. Donham?

9 A. She did not.

10 Q. Have you talked with Jerry Healy about
11 Mr. Billard?

12 A. I have not.

13 Q. So backing up to when Father Kauth presented
14 you with this information, after Father Kauth told you
15 this, can you walk me through what you did next?

16 A. I talked to Steve Carpenter, who is the
17 assistant principal who's in charge of substitutes, and
18 said Lonnie has posted -- Mr. Billard has posted. I
19 said we can't use him anymore. And then somewhere
20 during the day I called Dr. Ritter because I remember,
21 as I recall, Father Kauth spoke to me fairly early in
22 the day.

23 Q. And what did Mr. Carpenter say in response?

24 A. I can't recall. I don't think it was
25 surprise. I said let's let him finish out the week, and

1 that's why I don't know the exact date but it was
2 midweek, and I said we won't call him anymore.

3 Q. Did Mr. Carpenter indicate whether he already
4 knew that Mr. Billard was getting married?

5 A. While we talked that day?

6 Q. Yeah.

7 A. No.

8 Q. While you talked that day, did he indicate
9 that he already knew that Mr. Billard was gay?

10 A. I can't recall. Subsequently, yes, he said he
11 knew he was gay.

12 Q. When was that?

13 A. Sometime after. Just -- again, we didn't have
14 a lot of conversations. I said Lonnie Billard has
15 posted, we can't use him.

16 Q. And so what did Mr. Carpenter say to you when
17 he indicated that he knew that Lonnie was gay?

18 A. I can't -- I really can't remember in the
19 conversation, but I think he was aware.

20 Q. Did he say whether he was aware before the
21 engagement announcement or -- did he say whether he was
22 aware before the engagement announcement?

23 A. He did not.

24 Q. He didn't say one way or the other?

25 A. No.

1 Q. Did you ask him why he didn't inform you
2 earlier that Mr. Billard is gay?

3 A. No, I didn't ask him.

4 Q. Why not?

5 A. I don't think it makes a difference whether
6 you're gay or straight or your sexual orientation.

7 Q. Why is that?

8 A. Why doesn't it make a difference?

9 Q. Yeah.

10 A. Well, again, the teachings of the church are
11 not -- we love all, so I don't think it matters whether
12 you're gay or straight.

13 Q. But if a teacher is -- if a teacher at
14 Charlotte Catholic or a substitute teacher at Charlotte
15 Catholic is gay, is it your understanding that they must
16 be celibate in order to continue being a teacher or
17 substitute teacher?

18 A. All teachers should be celibate, doesn't
19 matter whether you're straight or gay, if you're not
20 married.

21 Q. So that answer is yes, then, right? That if
22 you're gay and a teacher at Charlotte Catholic, in order
23 to continue working, you should be celibate?

24 A. I don't think it's a simple yes-no. I think
25 it's any teacher, gay or straight. We're trying to

1 model behaviors we want all kids to have.

2 Q. But you also think that -- it is also your
3 understanding that there is no context in which a
4 teacher at Charlotte Catholic who is gay could have
5 sexual activity with another person of the same sex. Is
6 that right?

7 MR. DAVEY: Objection.

8 A. Can you restate the question?

9 MR. DAVEY: It was just because I think it got
10 confusing.

11 MR. BLOCK: Yeah, yeah.

12 BY MR. BLOCK:

13 Q. So it's your -- your understanding is that
14 there's no -- that it is impossible for -- let me start
15 over.

16 Your understanding is that a teacher at
17 Charlotte Catholic cannot marry someone of the same sex
18 and continue working at Charlotte Catholic. Is that
19 right?

20 A. Yes. That's correct.

21 Q. And it's also your understanding that the only
22 context in which a teacher at Charlotte Catholic should
23 be having -- may have sexual activity is in the context
24 of marriage. Is that right?

25 A. Marriage between a man and a woman, yes.

1 Q. So, therefore, it's your understanding that
2 there is no context in which a teacher at Charlotte
3 Catholic may have sexual activity with a person of the
4 same sex.

5 MR. DAVEY: Objection. You can answer.

6 A. They should not.

7 BY MR. BLOCK:

8 Q. So when Mr. Carpenter indicated to you that he
9 knew that Mr. Billard was gay, did he indicate whether
10 he had met Mr. Donham at all?

11 A. He did not.

12 Q. Did he indicate whether he knew that
13 Mr. Billard was sexually active?

14 A. He did not.

15 Q. Have you ever met someone who identified to
16 you as being gay but not being sexually active?

17 A. They have not identified themselves that way
18 to me, but I don't ask the question.

19 Q. Whose job is it at Charlotte Catholic to
20 enforce the prohibition on teachers publicly engaging in
21 conduct or advocating for conduct contrary to the moral
22 tenets of the Catholic faith?

23 MR. DAVEY: Objection.

24 A. I would be one of the persons.

25 BY MR. BLOCK:

1 Q. Who else?

2 A. Are you talking in a formal way or --

3 Q. Well, let's start with formal and then I'll
4 ask informal.

5 A. Okay. Well, formal it would be the principal.
6 It probably would come to me. And, again, I probably
7 would talk to HR, and that would be the formal. And I'd
8 go through the superintendent to HR.

9 Q. And informally who's responsible?

10 A. Well, I think we all are, so I think what
11 sometimes happens, somebody could send me information
12 and say, again, if somebody's doing something that's --
13 I don't want to say immoral, but maybe objectionable,
14 that could be anybody, because we're all role models.

15 Q. Has there been any other time in which someone
16 has sent you that sort of information?

17 A. I was sent something this past year. A
18 teacher used profane language in a Facebook post. It
19 was uncalled for.

20 Q. Has there been any other time?

21 MR. DAVEY: Just for clarification, are you
22 referring to just at Charlotte Catholic or when he was
23 at Our Lady of Grace as well? I just want to make sure
24 I understood the time frame.

25 MR. BLOCK: Any time frame actually.

1 A. Sure. At Our Lady of Grace it happened also.

2 BY MR. BLOCK:

3 Q. And how many times at Our Lady of Grace?

4 A. Once.

5 Q. And what was that about?

6 A. It was a staff member who was reported to be
7 spending nights with his fiancée, and that was one
8 where -- again, a parish school is a little different.
9 Their superintendent is not directly over the school,
10 the priest is, so I went to the pastor and the pastor
11 dealt with it.

12 Q. How did he deal with it?

13 A. He told the gentleman that -- I think he
14 did -- he said he had been there. The priest said you
15 could lose your job if I hear about it again, you will
16 no longer work for us, and that was how it was dealt
17 with.

18 Q. In this incident we were just talking about --

19 A. Yep.

20 Q. -- how did a third party learn that the
21 teacher was spending nights at his fiancée's?

22 A. I think he talked about it.

23 Q. So do you think that when Mr. Carpenter first
24 learned that Mr. Billard was gay and not celibate that
25 he should have reported it to you?

1 MR. DAVEY: Objection. Just what's the time?
2 Because I think there was confusion on the prior
3 testimony. When Mr. Carpenter told him this was after
4 the fact, so I just want to make sure I understand the
5 time.

6 BY MR. BLOCK:

7 Q. Yeah. So, I mean, having learned that
8 Mr. Carpenter had previously known, do you think that he
9 should have told you right away?

10 MR. DAVEY: Again, objection, because my
11 understanding of the testimony is that Mr. Carpenter
12 never told Mr. Telford whether or not or knew whether or
13 not Mr. Billard was celibate or not. I think your
14 question premised -- the first question said when he
15 told you that he wasn't celibate, so I think it's in
16 reference to --

17 MR. BLOCK: It's well taken.

18 BY MR. BLOCK:

19 Q. Did Mr. Carpenter, when he said that he
20 previously had heard that Lonnie was gay, did he
21 indicate whether he had previously heard that Lonnie was
22 getting engaged?

23 A. He did not.

24 Q. So if Mr. Carpenter had previously been aware
25 that Lonnie was engaged, should he have told you about

1 it?

2 A. I'm not sure because of the context, because
3 he's known Lonnie for a long time. So did he say it in
4 confidence? I'm not sure. That's hard for me to answer
5 that.

6 Q. So if Lonnie had said it in confidence, in
7 this hypothetical situation, it would have been okay for
8 Mr. Carpenter not to tell you about it?

9 MR. DAVEY: Objection. You can answer.

10 A. You know, again, it could be, look, you need
11 to go and talk to the priest. It depends how he was
12 going to direct him. I think -- again, I wasn't there
13 so I can't -- I'm speculating already.

14 BY MR. BLOCK:

15 Q. Have you spoken with anyone else at Charlotte
16 Catholic who has indicated that they previously knew
17 that Lonnie was in a relationship with Mr. Donham?

18 A. I have not.

19 Q. At any time?

20 A. Correct.

21 Q. If another teacher at Charlotte Catholic had
22 known that Mr. Billard and Mr. Donham were in a romantic
23 relationship, what obligations would that teacher have
24 had to report it?

25 A. That's a difficult question. I don't know if

1 they're obligated to report it.

2 Q. Why not?

3 A. I think it's a matter of conscience, what you
4 feel you should report or not report.

5 Q. You referenced Mr. Billard having made a
6 posting on Facebook. If Mr. Billard had married
7 Mr. Donham but not posted about it on Facebook, would he
8 have been permitted to continue working as a substitute
9 teacher?

10 MR. DAVEY: Objection.

11 A. When I found out, no.

12 BY MR. BLOCK:

13 Q. Are teachers at Charlotte Catholic allowed to
14 take contraception?

15 A. Are you asking whether I -- I don't discuss
16 that so -- again, whether they're following the tenets,
17 I don't have that discussion with teachers.

18 Q. But if you learned that a teacher was taking
19 contraception, what would the response be?

20 A. I don't know that I'd ever learn that. I've
21 been in this -- I've been a principal at different
22 levels for over 20 years. That has never come across my
23 desk.

24 Q. Do you think that -- if a teacher is engaging
25 in conduct that's contrary to the tenets of the church

1 but no one at CCHS finds out about it, are they
2 complying with the policy?

3 A. Is it a teacher who's engaging in conduct
4 they're not supposed to?

5 Q. Yeah. So let me -- a teacher -- in the
6 contracts that teachers sign, is there a provision that
7 says teachers shall not publicly engage in or advocate
8 for conduct contrary to the tenets of the church?

9 A. Teachings of the church, yes, there is.

10 Q. If a teacher does engage in that conduct but
11 does so in a manner that no one in the CCHS community
12 learns about it, do you think they're in breach of that
13 part of their contract?

14 A. Yes.

15 Q. So teachers shouldn't be engaging in that
16 conduct regardless of whether you end up finding out
17 about it, is that right?

18 A. Correct.

19 Q. So why don't you affirmatively ask teachers
20 whether they're engaging in that conduct?

21 A. I don't think -- again, I'm not trying to be
22 the morality police, so it's just -- I don't think
23 that's -- I don't think it's my place to ask those
24 questions. That's for -- if a priest were to ask -- and
25 I don't think a priest would ask that question. I think

1 that would be you go to confession, you talk to a priest
2 if you have those questions about that.

3 Again, we're all sinners and sometimes it's,
4 you know, the Catholic Church, confession, things of
5 that nature.

6 Q. When Father Kauth brought to your attention
7 the Facebook post, did he say how he had learned about
8 it?

9 A. He said some people had sent information to
10 him. He didn't say who. I didn't ask.

11 Q. So we've been talking about people engaging in
12 conduct. Have you ever encountered a situation where
13 someone was advocating for conduct that ran afoul of the
14 school's policy?

15 A. Can you give me an example?

16 Q. Well, I'll give you a couple examples, with
17 the understanding that this is hypothetical. Someone
18 announces that they support the legality of marriage for
19 same-sex couples.

20 A. Were they advocating it? By how? Are they
21 going to a protest rally or --

22 Q. How about they -- how about they attend a
23 relative's wedding and talk positively about it.

24 A. I would probably ask them to talk to a priest.

25 MR. DAVEY: And you noted it was hypothetical.

1 I'm just going to, just for clarity, object to the
2 hypothetical, but you may ask the question and use it
3 however is appropriate.

4 BY MR. BLOCK:

5 Q. And has there ever been an actual situation in
6 any context, so not limited to the context of gay
7 people, in which someone was advocating for something
8 that you thought ran afoul of the school's policy?

9 A. No. But I think sometimes in my role people
10 aren't going to come to me and tell me.

11 Q. Do you recall an assembly in the spring of
12 2014 in which I think her name was Sister Dominic spoke?

13 A. Jane Dominic. I wasn't there so --

14 Q. Were you principal at Charlotte Catholic at
15 the time the assembly occurred?

16 A. No.

17 Q. Do you know how long after the assembly
18 occurred that you arrived at Charlotte Catholic?

19 A. Four months, five months.

20 Q. Have you spoken with anyone at Charlotte
21 Catholic about the assembly?

22 A. Not about what exactly happened but just said
23 it was not good for anybody, and that's from I think
24 staff, parents, kids.

25 Q. And why wasn't it good for anyone?

1 A. I think some hot topics were pressed in the
2 meeting, and I think it didn't matter what side of the
3 spectrum you were on, it was just I think a difficult
4 assembly.

5 Q. Do you think that it's okay for -- let me take
6 that back. Sorry.

7 Do you think it's okay for employees at
8 Charlotte Catholic to say publicly that they disagree
9 with the decision to not allow Lonnie to continue as a
10 substitute?

11 A. How do you mean public? What do you mean
12 public?

13 Q. Well, how about a teacher saying so to, you
14 know, another teacher in the break room?

15 A. Conversations happen. People are going to
16 have those. I consider that private. Now, public if
17 you meant in the newspaper, that's different.

18 MR. BLOCK: If we can take a two-minute break,
19 I might actually be done with questions.

20 MR. DAVEY: Certainly.

21 (Recess from 9:40 a.m. to 9:41 a.m.)

22 BY MR. BLOCK:

23 Q. Just a few more. I want to ask about the
24 policy at Charlotte Catholic to begin classes with a
25 prayer. Was that policy in place before you came to

1 Charlotte Catholic?

2 A. Yes.

3 Q. And is it your understanding that a teacher
4 can choose to have a student lead the prayer instead of
5 leading it themselves?

6 A. They can. Yes.

7 Q. And I want to ask about a teacher's
8 obligations to escort students to Mass when it's during
9 their class time. Was that policy already in place when
10 you arrived?

11 A. Yes.

12 Q. Does a teacher in that position have any job
13 duties with respect to participating in the Mass?

14 A. Well, we would ask to stand and sit and help
15 as kids go to communion. They can go to communion.
16 They can't receive if they're not Catholic, but ask for
17 a blessing. So we would ask that they participate in
18 some.

19 Again, teachers are coming back, and I have a
20 group of teachers who -- teachers are going to be
21 assigned areas during Mass because -- so you not only
22 participate but make sure the kids go in an orderly
23 fashion. They're very good at Mass, but people
24 generally don't want to go up at the top of the
25 bleachers, so that's an administrative that I had some

1 teachers say we'll put together a committee, because it
2 used to be voluntary.

3 Q. And just to be clear, the people going up and
4 receiving blessings, are they students or teachers that
5 you're referring to?

6 A. Anybody who's in attendance.

7 Q. Can a teacher choose not to go up and receive
8 a blessing?

9 A. Yes. And so can students.

10 Q. So it's optional?

11 A. Yes.

12 Q. Besides standing up and sitting down, are
13 teachers required to speak or participate in prayers as
14 part of a Mass?

15 A. They're not.

16 Q. Do you in your role as principal supervise --
17 sorry. I want to start that question over.

18 Do you in your role as principal sit in and
19 evaluate teachers' classes at all?

20 A. Yes. Yes, I do.

21 Q. And do you do that for teachers who are
22 teaching secular subjects?

23 A. Yes.

24 Q. In those classes, is there a requirement for
25 teachers to discuss Catholic doctrine at all?

1 A. No. There's no requirement.

2 Q. If teachers wish to discuss Catholic doctrine
3 as part of their secular class, are they permitted to?

4 A. I would prefer that they not. And, again, it
5 depends -- let me rephrase. It depends what they're
6 discussing. If it's a feast day, a holy day, and you're
7 going to give information, but as far as opinions, no.
8 My preference would be no.

9 Q. Your preference would be for the teachers
10 teaching religion classes --

11 A. Religion.

12 Q. -- to do that?

13 A. And I've had kids come to me and ask me
14 religious questions and I'll say you need to speak to
15 Father or Sister, Sister Agnes, our department chairman.

16 Q. Are you aware of whether there are any
17 students at Charlotte Catholic who are gay?

18 A. I am.

19 Q. And are you aware of whether there are
20 students who are gay and sexually active?

21 A. I'm unaware.

22 Q. Are students who are gay and sexually active
23 allowed to attend Charlotte Catholic?

24 A. Yes. And can I clarify? The reason I know
25 they're gay is their parents have told me.

1 Q. And why have the parents told you?

2 A. Just letting me know. I'm not -- quite
3 frankly, it happened this summer. I would have said no
4 until three or four weeks ago. Parents just told me.

5 Q. And did the parents ask you to -- in this
6 situation ask you to do anything based on that
7 knowledge?

8 A. No.

9 (Mr. Davey entered the proceedings.)

10 BY MR. BLOCK:

11 Q. Were they concerned at all that the student
12 wouldn't be treated in a sensitive manner?

13 A. Well, I'm not really sure, and when the one
14 parent talked he said I'm not really sure why I'm
15 telling you this. He didn't come in specifically for
16 that. I happened to see him. He has multiple kids who
17 have gone through Catholic, and he said this one's gay,
18 which doesn't really matter.

19 Q. Have you spoken with Mr. Billard at all?

20 A. I have not.

21 Q. And have you spoken with anyone at the Diocese
22 about Mr. Billard?

23 A. No.

24 MR. BLOCK: Okay. I think that's all the
25 questions I have.

1 MR. McDONALD: Can I just take one second?

2 MR. BLOCK: Sure.

3 (Recess from 9:47 a.m. to 9:49 a.m.)

4 MR. McDONALD: I have no questions.

5 (Whereupon, at 9:49 a.m. the deposition was

6 concluded. Signature was reserved.)

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E R R A T A S H E E T

(1 of 3)

DEPOSITION OF: W. KURT TELFORD, 8/15/17

Re: Billard v. Charlotte Catholic High School,
et al., 3:17-cv-0011

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Thank You!

WITNESS CERTIFICATE

(3 of 3)

I, W. KURT TELFORD, do hereby certify that I have read and understand the foregoing transcript and believe it to be a true, accurate, and complete transcript of my testimony, subject to the attached list of changes, if any.

W. KURT TELFORD

* This deposition was signed in my presence by W. KURT TELFORD on (day) _____, this (date) _____ day of (month) _____, 20__.

Notary Public

My Commission Expires:

CERTIFICATE OF NOTARY PUBLIC & REPORTER

STATE OF NORTH CAROLINA)

COUNTY OF CABARRUS)

I, Dayna H. Lowe, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken in stenotype and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

This the 22nd day of August, 2017.

DAYNA H. LOWE

Notary Public #19971830009